

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES SMALLEY,

Plaintiff,

vs.

MICHAEL GAMACHE, et al.,

Defendants.

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Case No. 4:10CV319 RWS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for state intervention and plaintiff's motion for injunction in part and preliminary in part. In these motions, plaintiff is complaining about his the conditions of his confinement in a Missouri state correctional facility. Specifically, plaintiff alleges that he has been subject to retaliation, harassment, false conduct violations, and the denial of access to the courts while in state custody. Plaintiff also claims that he has been placed in administrative segregation and has not had sufficient time to use the prison library.

Defendants correctly note that plaintiff's motions should be denied because plaintiff's allegations are not directed toward any of the defendants. In this case, plaintiff has sued the deputy sheriff and five sheriffs at the St. Louis City Justice Center for his alleged mistreatment while a pretrial detainee. These defendants are not employed by the State of Missouri and have no control or authority over the state correctional facility where plaintiff is being housed. As defendants point out, it appears that plaintiff is pursuing grievances about the incidents he complains of in these motions and could therefore presumably file a different lawsuit against those individuals if his complaints are not appropriately resolved in the grievance process. He is not, however, entitled to the relief he seeks in this action.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for state intervention [#50] and plaintiff's motion for injunction in part and preliminary in part [#48] are denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of November, 2011.